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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,745	09/17/2003	Klaus Hillgaertner	028987.52501US	2634

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/663,745	Applicant(s) HILLGAERTNER, KLAUS	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/19/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 3 and 27 are objected to because of the following informalities: In claim 3, line 1; and claim 27, line 1, there is the recitation "the catch pin". However, there is no prior recitation of a catch pin in claims 1 and 25, respectively. Accordingly, for this office action only, claim 3 will be considered to depend from claim 2 and claim 27 will be considered to depend from claim 26 since these are the claims that first set forth a catch pin. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-31 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 6,173,535 to Deischl et al.

Deischl discloses an opening arrangement for a vehicle door having a lock (7) fastened between an inside panel (4) and an outside panel (2) of a vehicle door (1) which is fastened to the inside panel, said lock having a release lever for eliminating a locking position of the lock (column 3, lines 19-25), and an outside operating mechanism (figure 1) acting upon the release lever by way of a force transmission element, the outside operating mechanism comprising a supporting part (6) fastened to an interior side of the outside panel and a swivelable pull handle

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(5) arranged on the exterior side, wherein a catching device (11) is provided adjacent to the lock within the vehicle door, which catching device, during a defined lateral acceleration acting upon the vehicle, interacts with the supporting part of the outer operating mechanism and limits a bulging of the outside panel toward the outside to prevent unintentional release of the vehicle door lock (column 1, lines 36-50), as in claims 1 and 25.

Deischl also discloses the catching device being a catch pin (11), that extends in a longitudinal direction of the vehicle, and a holding part (13), that is aligned in a transverse direction of the vehicle, and has a receiving device (14) that surrounds the catch pin, as in claims 2 and 26, wherein the catch pin is provided on the supporting part (figure 1), as in claims 3 and 27, and the catch pin being constructed in one piece with the supporting part (figures 4 and 5), as in claims 4 and 28, as well as the catch pin being formed by a separately manufactured part that can be fastened to the supporting part (figures 4 and 5), as in claim 5.

Deischl further discloses in an inoperative normal locked position of the vehicle door, the receiving device of the holding part extends at a radial distance from the interior catch pin, whereas, starting from a defined lateral acceleration acting upon the vehicle, the catch pin is locally supported on the outer edge of the receiving device (column 4, lines 49), as in claims 6-8 and 29, wherein the holding part is formed by a molded-on lug of an interior door reinforcement (figures 4 and 5), as in claims 9-12 and 30, and where the holding part is formed by a bent-away lug of the lock (column 4, lines 7-20), as in claim 13-16, as well as the holding part being fastened to the inside panel (figures 4 and 5), as in claim 17-20, wherein the catch pin protrudes through the receiving device of the holding part and projects beyond the receiving device on both sides (figures 4 and 5), as in claim 21-24 and 31.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to door latching assemblies having a catching device to limit lateral bulging:

U.S. Patent Number 6,672,633 to Nomura et al., U.S. Patent Number 6,612,630 to Meinke, U.S. Patent Number Dimig, U.S. Patent Number 6,490,894 to Laurent, U.S. Patent Number 5,377,450 to Varajon, U.S. Patent Number 4,883,296 to Laurie, U.S. Patent Number 4,875,726 to Thau.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



CJB CB
December 28, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600